Exhibit G

INDEX NO. 651457/2011

NYSCEF DOC. NO. 16ase 1:11-cv-06488-BSJ Document 18-8 Filed 10/14/11 Reger 2 of NYSCEF: 08/01/2011

SUPREME COURT OF COUNTY OF NEW YOR	THE STATE OF NEW YO. RK		
M WAIKIKI LLC,		X	
		1	
	Plaintiff,	:	Index No. 651457/2011
		:	
- against –		;	(Hon. Eileen Bransten)
Ç		:	
MARRIOTT HOTEL SERVICES, INC., I.S.		:	Oral Argument Requested
INTERNATIONAL, LLC, and IAN SCHRAGER,		:	
		:	
Defendants.		18	
		X	

DEFENDANT MARRIOTT HOTEL SERVICES, INC.'S NOTICE OF MOTION TO DISMISS THE COMPLAINT PURSUANT TO CPLR § 3211

PLEASE TAKE NOTICE that pursuant to CPLR § 3211 and upon the annexed (a)

Affirmation of Kelly D. Gardner, Esq.; (b) the Memorandum of Law in Support of Defendant

Marriott Hotel Services, Inc.'s Motion To Dismiss the Complaint; and upon all the pleadings and
proceedings heretofore had herein, Marriott Hotel Services, Inc. ("Marriott") will move this

Court, at Room 130 of the New York County Courthouse, located at 60 Centre Street, New

York, New York on Monday, September 26, 2011, at 9:30 a.m. or as soon thereafter as counsel

can be heard, for an Order dismissing all claims against Marriott with prejudice, including:

(a) M Waikiki LLC's breach of contract and declaratory judgment claims in their entirety under CPLR § 3211(a)(1) and (7) for failure to plead the breach of a contractual obligation, failure to plead facts sufficient to remove the claims from the scope of the November 16, 2010 Estoppel Certificate disclaiming any default, and failure to provide Marriott with contractually-required notice and opportunity to cure;

- (b) M Waikiki LLC's breach of fiduciary duty claim in its entirety under CPLR § 3211(a)(1) and (7) for failure adequately to allege a fiduciary relationship or breach of a fiduciary duty;
- (c) M Waikiki LLC's negligent misrepresentation claim in its entirety under § 3211(a)(1) and (7) for failure to plead tortious conduct independent of any breach of contract claim, failure adequately to allege a special relationship between the parties, failure to plead actionable misstatements of existing fact, and failure adequately to allege reasonable reliance.

Oral argument on this Motion is hereby requested.

Date: August 1, 2011 Respectfully submitted,

MARRIOTT HOTEL SERVICES, INC.

By:

Richard F. Ziegler Brian J. Fischer Colleen A. Harrison 919 Third Avenue, 37th Floor New York, New York 10022 Telephone: (212) 891-1600 Fax: (212) 891-1699

David A. Handzo (pro hac application forthcoming)
Michael B. DeSanctis
Lindsay C. Harrison (pro hac application forthcoming)
1099 New York Avenue, NW, Suite 900
Washington, DC 20001
Telephone: (202) 639-6000

Fax: (202) 661-4956